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| 27799 | 7590 | 09/29/2006 | EXAMINER | |
| COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176 | | | HINZE, LEO T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,812

Applicant(s)

BACHMEIR, XAVER

Examiner

Leo T. Hinze

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 16, 17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 17, and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2854

DETAILED ACTION

Drawings

1. The drawings were received on 18 July 2006. These drawings are accepted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13, 14, 16, 17, 19, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph in view of Dufour, US 6,098,542 (hereafter Dufour).

- a. Regarding claim 13:

Rudolph teaches an applicator unit for one of inking and dampening in a rotary press having a form cylinder (2, Fig. 1), the applicator unit comprising: a distributor cylinder (7, Fig. 1); an applicator roll (3, Fig. 1) having two ends, said two ends being mounted in respective levers (19, Fig. 1) such that said applicator roll is pivotable about said distributor cylinder by said levers; and a motor (15, Fig. 1) operatively arranged for pivoting said applicator roll such that applicator roll is pivotable to a thrown-on position against the form cylinder of the rotary press with a controlled throwing-on force by said motor, wherein said applicator roll contacts the form cylinder in an imprint area when said applicator is in the thrown-on position, the imprint area

Art Unit: 2854

having a length along a length of said applicator roll and an imprint width along a circumferential direction of said applicator roll, said throwing-on force is adjustable to set a desired imprint width (the throwing-on force and imprint width are directly related, i.e. more force equals more width, and therefore, and adjustment of either the force or the width is also a corresponding adjustment of the other parameter).

Rudolph does not teach said throwing-on force is adjustable; a lock mechanism for locking said applicator roll in the thrown-on position.

Dufour teaches a method and device for loading a roller in a press, including hydraulic cylinders with pressure regulators (5, 6, Fig.) to adjust the force loading in a throw-on position (col. 2, l. 29). The invention results in lower maintenance, it compensates for temperature effects, and leads to better print quality, as compared to the prior art systems (col. 2, ll. 36-39); shutoff valves 7 and 8 lock the position between the rubber rollers after the appropriate loads have been set (col. 3, ll. 41-42). The invention results in lower maintenance, it compensates for temperature effects, and leads to better print quality, as compared to the prior art systems (col. 2, ll. 36-39)..

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Rudolph wherein said throwing-on force is adjustable, because Dufour teaches that an adjustable throwing-on force results in lower maintenance, it compensates for temperature effects, and leads to better print quality, as compared to the prior art systems.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Rudolph to include a lock mechanism for locking said applicator roll in the thrown-on position, because a person having ordinary skill in the art would recognize

Art Unit: 2854

that including a lock would allow the rollers to be locked into place, thereby preventing them from being moved out of place during operation.

b. Regarding claim 14, the combination of Rudolph and Dufour teaches all that is claimed as discussed in the rejection of claim 13 above. Rudolph also teaches wherein said motor (15, Fig. 1) comprises a linear motor.

c. Regarding claim 16:

Rudolph teaches all that is claimed as discussed in the rejection of claim 13 above.

Rudolph does not teach wherein said motor is operable for applying an initial throwing-on force when pivoting said applicator roll toward the thrown-on position that is greater than an operating throwing-on force that is applied after said applicator is in said thrown-on position.

Dufour teaches a method and device for loading a roller in a press, including hydraulic cylinders with pressure regulators (5, 6, Fig.) to adjust the force loading (through processor control, col. 1, ll. 66-67). The invention results in lower maintenance, it compensates for temperature effects, and leads to better print quality, as compared to the prior art systems (col. 2, ll. 36-39). The pressure regulator and processor control make Dufour capable of applying an initial throwing-on force and an operating throwing-on force.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Rudolph wherein said motor is operable for applying an initial throwing-on force when pivoting said applicator roll toward the thrown-on position that is greater than an operating throwing-on force that is applied after said applicator is in said thrown-on position, because Dufour teaches that the capability to apply different forces results in lower

Art Unit: 2854

maintenance, it compensates for temperature effects, and leads to better print quality, as compared to the prior art systems.

d. Regarding claim 17:

The combination of Rudolph and Dufour teaches all that is claimed as discussed in the rejection of claim 13 above.

The combination of Rudolph and Dufour does not teach wherein said motor is operable for applying a variable throwing-on force in response to various reaction effects on said applicator roll during operation in the thrown-on position.

Dufour teaches a method and device for loading a roller in a press, including hydraulic cylinders with pressure regulators (5, 6, Fig.) to adjust the force loading (through processor control, col. 1, ll. 66-67). Temperature changes and dynamic effects are automatically compensated for (col. 2, ll. 33-34). The invention results in lower maintenance, it compensates for temperature effects, and leads to better print quality, as compared to the prior art systems (col. 2, ll. 36-39).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Rudolph wherein said motor is operable for applying a variable throwing-on force in response to various reaction effects on said applicator roll during operation in the thrown-on position, because Dufour teaches that adjusting the force to compensate for temperature results in lower maintenance, it compensates for temperature effects, and leads to better print quality, as compared to the prior art systems.

Art Unit: 2854

e. Regarding claim 19, the combination of Rudolph and Dufour teaches all that is claimed as discussed in the rejection of claim 13 above. Dufour, as combined with Rudolph above, also teaches wherein said lock mechanism is arranged and dimensioned for acting directly on said motor for holding said motor at a fixed position for locking said applicator roll in the thrown-on position (Shutoff valves 7 and 8 lock the position between the rubber rollers after the appropriate loads have been set, col. 3, ll. 41-42).

f. Regarding claim 21, the combination of Rudolph and Dufour teaches all that is claimed as discussed in the rejection of claim 13 above. Dufour, as combined with Rudolph above, also teaches wherein said lock mechanism is capable of locking said applicator roll immediately after the thrown-on position is reached (Shutoff valves 7 and 8 lock the position between the rubber rollers after the appropriate loads have been set, col. 3, ll. 41-42).

g. Regarding claim 24, the combination of Rudolph and Dufour teaches all that is claimed as discussed in the rejection of claim 13 above. Rudolph also teaches wherein said motor is operatively arranged for pivoting said applicator roll such that applicator roll is pivotable to different thrown-on positions against form cylinders having different diameters (the motor 15 has a stroke length that accommodates cylinders having different diameters).

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph in view of Dufour as applied to claim 13 above, and further in view of Mestre, US 3,286,622 (hereafter Mestre).

The combination of Rudolph and Dufour teaches all that is claimed as discussed in the rejection of claim 13 above. Dufour teaches a lock on the motor.

Art Unit: 2854

The combination of Rudolph and Dufour does not teach wherein said lock mechanism is arranged and dimensioned for acting directly on said levers for holding said levers at a fixed position for locking said applicator roll in the thrown-on position.

Mestre teaches a press that shifts cylinders toward and away from each other (c. 1, ll. 15-17), including a locking latch 106 (Fig. 3) that acts on a locking lever 88 (Fig. 3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Rudolph to include a lock operable on the levers as taught by Mestre, because a person having ordinary skill in the art would recognize that including a lock on the levers would allow the cylinders to be locked into place, thereby preventing them from being moved out of place during operation.

5. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph in view of Dufour as applied to claim 13 above, and further in view of Edwards, US 4,222,325 (hereafter Edwards).

a. Regarding claim 22:

The combination of Rudolph and Dufour teaches all that is claimed as discussed in the rejection of claim 13 above.

The combination of Rudolph and Dufour does not teach wherein said applicator unit is movably mountable so that a position of said applicator unit is adjustable relative to the form cylinder in the rotary press when said applicator roll is locked in said thrown-on position.

Edwards teaches a mounting means for a movable carriage on a press wherein the dampening and inking roller-containing carriage is linearly movable to and from an associated

Art Unit: 2854

plate cylinder (col. 1, ll. 6-9), which advantageously permits ready access to the second plate cylinder and to the carriage-mounted dampening and inking rollers for set up procedures and usual maintenance (col. 6, ll. 27-30).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Rudolph wherein said applicator unit is movably mountable so that a position of said applicator unit is adjustable relative to the form cylinder in the rotary press when said applicator roll is locked in said thrown-on position, because Edwards teaches that a movable applicator unit advantageously permits ready access to the second plate cylinder and to the carriage-mounted dampening and inking rollers for set up procedures and usual maintenance.

b. Regarding claim 23:

The combination of Rudolph and Dufour teaches all that is claimed as discussed in the rejection of claim 13 above.

The combination of Rudolph and Dufour does not teach wherein said applicator unit is mountable such that said applicator roll is movable with the form cylinder from a print throw-off position of the form cylinder to a print throw-on position of the form cylinder when said applicator roll is locked in said thrown-on position.

Edwards teaches a mounting means for a movable carriage on a press wherein the dampening and inking roller-containing carriage is linearly movable to and from an associated plate cylinder (col. 1, ll. 6-9), which advantageously permits ready access to the second plate

Art Unit: 2854

cylinder and to the carriage-mounted dampening and inking rollers for set up procedures and usual maintenance (col. 6, ll. 27-30).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Rudolph wherein said applicator unit is mountable such that said applicator roll is movable with the form cylinder from a print throw-off position of the form cylinder to a print throw-on position of the form cylinder when said applicator roll is locked in said thrown-on position, because Edwards teaches that a movable applicator unit advantageously permits ready access to the second plate cylinder and to the carriage-mounted dampening and inking rollers for set up procedures and usual maintenance.

Response to Arguments

6. Applicant's arguments filed 18 July 2006 have been fully considered but they are not persuasive.

7. In response to applicant's arguments against the Rudolph and Dufour references individually on pp. 10-11, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

8. In response to applicant's argument on p. 11 that Dufour is nonanalogous art, and that one skilled in the art would not combine Dufour with Randolph, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied

Art Unit: 2854

upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Dufour is in the field of applicant's endeavor, printing, and is reasonably pertinent to the particular problem with which the applicant is concerned, a motor for moving printing rollers.

9. In response to applicant's argument on p. 12 that the combination of Randolph and Dufour does not teach a locking mechanism for acting directly on the motor as claimed in claim 19, the combination does teach a locking mechanism that acts directly on the motor, as set forth in the rejection of claim 19 above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Art Unit: 2854

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
22 September 2006



Daniel J. Colilla
Primary Examiner
Art Unit 2854